

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF  
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,  
VILLAGE HALL, ON WEDNESDAY, MAY 1, 2002**

**Members Present:** Peter Lilienfield, Chairman  
Carolyn Burnett  
William Hoffman  
Jay Jenkins  
Walter Montgomery, Secretary

**Also Present:** Lino Sciarretta, Village Counsel  
Edward P. Marron, Jr., Building Inspector  
Joseph Elliot, Ad Hoc Planning Board Member  
Florence Costello, Planning Board Clerk  
Thomas Jackson & Marybeth Dooley, ECB Members  
Applicants and other persons mentioned in these Minutes

**IPB Matters  
Considered:**

**01-26 – Danfor Realty**  
Sht. 13B, P-5,P-5C  
**01-41 – James R. Gleason & Kathleen Gleason**  
Sht. 14, Gl. 224, Lot 1,6,40  
**02-09 – Mark Shedrofsky/Nancy Messing**  
Sht. 10D, Bl. 243, Lot 20  
**02-11 and 02-19 – Geraldine McGowan-Hall**  
Sht. 11, Lot P7J  
**02-12 – Heidi Leigh/Nicholas Leone**  
Sht. 7B, Bl. 249, Lot 4  
**02-14 – Jack Dumas**  
Sht. 10A, Bl. 227, Lot 1  
**02-15 – RER Development Corp.**  
Sht. 10C, Bl. 226, Lot 24B  
**02-17 – William Riolo**  
Sht. 10B, Bl. 231, Lot 11A  
**02-20 – David Zwiebel**  
Sht. 2, P-109B2  
**02-21 – Lisa Trencher/Karen Inghilterra**  
Sht. 10D, Bl. 240, Lot 6  
**02-23 – Alton Barron**  
Sht. 12A, Bl. 255, Lot 7A  
**02-24 – Jared & Amy Zerman**  
Sht. 10D, Bl. 240, Lot 4 & 5

**Carried Over:**

**02-04 - DeMatteo**  
Sht. 12B, Lot 31

The Chairman called the meeting to order at 8:05 p.m.

**Administrative:**

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of Notice to Affected Property Owners.

**IPB Matter # 01-41:**

**Application of James R. Gleason & Katherine Gleason for Final Subdivision and Limited Site Development Plan Approval for property at 115 South Broadway.**

Richard J. Blancato, Esq., represented the Applicant. This matter, a continuation, involves the proposed subdivision of a merged lot, in a Multi Family Residential District at the corner of East Clinton Avenue and Broadway, into two building lots, one of which currently has a house.

The Board reviewed the proposed Resolution and agreed that it was acceptable, contingent upon receipt of requisite approval from the County Health Department. With that condition, and upon motion duly made and seconded, the Board unanimously approved the Resolution granting Final Subdivision Approval and Limited Site Plan Approval for 2 Lot Subdivision of Property of James R. and Kathleen Gleason, dated May 1, 2002, attached to these minutes. The Chairman and Secretary deferred signing of the subdivision plat.

**IPB Matter # 02-09:**

**Application of Mark Shedrofsky and Nancy Messing for Site Development Plan Approval for Property at 27 Hillside Terrace.**

Joseph P. Paiva, Architect, represented the Applicant. The Applicant is proposing to construct a three-story addition to an existing single-family dwelling for which an area variance (ZBA #2001-12) has been granted by the Zoning Board of Appeals. The Chairman recused himself, and Mr. Hoffman presided.

A public hearing was opened. Mr. Hoffman stated, and the Building Inspector concurred, that the Applicant needs an additional variance because a three-story structure is being proposed. He also indicated that this Application could not be treated as a Waiver, necessitating site development plan approval in keeping with the original application. There were no comments from the public. The public hearing was closed.

The Board determined that the application is for a proposed action which is a Type II Action under SEQRA. The Board then, upon motion duly made and seconded, granted

site development plan approval for plans entitled Additions and Alterations to Shedrofsky Residence, Site Plan, Schedule and General Notes by Joseph R. Paiva, RA, dated February 20, 2002, last revised April 16, 2002, subject to the ZBA approval of a height variance.

**IPB Matter # 02-14:**

**Application of Jack Dumas for Site Development Plan Approval for Property at One Circle Drive.**

Matthew Behrens, Architect, represented the Applicant. The Applicant is proposing to construct a deck addition and alterations to an existing single-family residence (primarily a raising of the roof), erect a new covered entrance landing and steps and reconfigure the existing paved driveway and stone walks.

The Chairman opened a public hearing. Mr. Marron had no issues, and Mr. Mastromonaco's memorandum of May 1, 2002 indicated that since the previously proposed deck addition had been removed from the plans and the proposed walk relocated, he had no concerns. The public offered no comments. The public hearing was closed.

The Board then determined that the application is for a proposed action which is a Type II Action under SEQRA. Furthermore, upon motion duly made and seconded, the Board granted site development plan approved to plans entitled Alteration, One Circle Drive by Matthew Behrens, RA, dated March 18, 2002, last revised 4/15/02, six (6) sheets.

**IPB Matter # 02-17:**

**Application of William Riolo for Site Development Plan Approval for Property at 36 Park Avenue.**

Norman DiChiara, Architect represented the Applicant. The Applicant is proposing to construct additions and alterations to a single-family residence.

The Board opened a public hearing. The Chairman confirmed that the necessary variance for side-yard setbacks and coverage had been obtained (see ZBA #2001-06). Mr. Marron had no concerns, and Mr. Mastromonaco's memorandum of May 1, 2002 stated that he had no remaining issues. There were no comments from the public. The Board closed the public hearing.

The Board then determined that the application is for a proposed action which is a Type II Action under SEQRA. Upon motion duly made and seconded, the Board granted site development plan approved to plans entitled Proposed Alteration and Addition to Riolo Residence by Norman DiChiara Architects, P.C., three sheets dated 11/6/00, and Drywell Details 2 sheets, undated.

**IPB Matter # 02-20:**

**Amendment to an Application (IPB #2000-04) of David Zwiebel for Waiver of Site Development Plan Approval for property at 23 Matthiessen Park.**

Earl Everett Ferguson, Architect, represented the Applicant. This application involves a modification of a site plan approved April 5, 2000. Revised plans submitted were Coverage Calculation, Zwiebel Residence, prepared by Keane Coppelman, Engineers, PC, dated 2/20/02, one sheet.

Discussion centered on the issue of drainage, with the applicant agreeing to install the necessary piping to connect the on-site dry wells to the Village storm water system in Ferris. The Board then determined that the application is for a proposed action which is a Type II Action under SEQRA. After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

**IPB Matter # 02-23:**

**Application of Alton Barron for Site Development Plan Approval for Property at 63 Havemeyer Road.**

Dr. Barron, home owner, and Michael Quinn, contractor, appeared for the Application. The Applicant is proposing to construct a 6'x22' addition to the rear of the garage. Plans entitled Addition to Barron Residence by Louise Bravermen, Architect dated April 10, 2002, 7 sheets, were submitted.

Mr. Marron noted that the proposed construction exceeds the allowable coverage ratio. The Chairman said the Applicant needs a variance to resolve this issue. Dr. Barron said no trees are to come down. Mr. Marron stated that the deck at the front of the house does not meet setback requirements. The Chairman asked that the site plan be modified to

clearly show the deck, the work to be done under this Application and the coverage calculations. The Applicant indicated that they would apply to the Zoning Board of Appeals for the necessary variance. The Board continued this matter.

**IPB Matter # 02-24:**

**Application of Jared and Amy Zerman for  
Waiver of Site Development Plan Approval  
for Property at 4 Riverview Terrace.**

Gerald I. Markel, Architect, represented the Applicant. The Applicant is proposing to extend an existing deck attached to a single-family dwelling. Plan entitled Deck Extension to Zerman Residence dated April 9, 2002 (one sheet), prepared by Gerald I. Markel was submitted.

Mr. Marron said he had no issues. The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

**IPB Matter # 02-21:**

**Application of Lisa Trencher and Karen  
Inghilterra for Site Development Plan Approval  
for Property at 6 Riverview Terrace.**

Eric Baker, Architect, represented the Applicant. The Applicants are proposing renovations and additions to an existing single-family residence.

The Board opened the public hearing for this application. Mr. Baker said the revised site plan meets coverage criteria in the Village Code. Mr. Marron confirmed this but said there is still a need for more information on sewer and drainage issues. Mr. Baker stated his intention to add to the plan a provision for a dry well. There were no comments from the public.

The Board closed the public hearing, and then determined that the application is for a proposed action which is a Type II action under SEQRA. It approved The Renovation and Addition: The Trencher-Inghilterra Residence, prepared by Eric Baker dated October 15, 2001, last revised May 6, 2002, 8 sheets, subject to the Building Inspector's satisfaction with dry wells and sewer connections.

**IPB Matter # 02-12:**

**Application of Heidi Leigh and Nicholas Leone  
For Site Plan Development Approval for  
Property at 9 Dows Lane.**

The Applicant was represented by Mr. Julius Twyne, Jr., Architect. The Applicants are proposing to expand their residence by altering and extending a previous addition to their house and by adding a stone-clad tower. Mr. Twyne described changes he had made in the proposed site plan. Plans submitted were entitled Residence Addition/Alteration, 9 Dows Lane by Julius W. Twyne, Jr., RA , dated March 16, 2002, last revised April 30, 2002.

Mr. Marron stated that the height of the proposed structure conforms to Village Codes, and that the number of stories is now in compliance. The Chairman cited several letters from the Irvington Historical Society and residents expressing concern about the aesthetics of the proposed structure. Several residents in attendance also raised concerns about the height, "proportioning" and overall design of the structure. Discussion centered on the roles of the Planning Board and Architectural Review Board relative to aesthetic elements. The Board's preliminary consensus was that aesthetic matters were more appropriately handled at the ARB due to the expertise of that Board's members.

The Applicant was asked to provide additional clarification at the June meeting regarding the impact of the proposed construction on the trees. Given the need for this application to be carried over to June, the Chairman noted that the Applicant consider appearing before the ARB; the Planning Board would then be in a position to consider any comments received from the ARB at its June meeting. The Board emphasized that this not be construed as a precedent to be applied to future applications.

**IPB Matter # 02-15:**

**Application of RER Development for Site  
Development Plan Approval for Property at  
290 Riverview Road.**

Emilio Escaladas, Architect, represented the Applicant. The Applicant is proposing to demolish an existing structure and construct a new single-family residence. Plans entitled Proposed Residence by Escaladas Associates dated March 20, 2002 revised April 16, 2002, two (2) sheets were submitted.

Mr. Escaladas presented a plan that showed that the size of the proposed house had been reduced to meet coverage requirements under the Village Code. He also provided a letter from Donald J. Casadone, Assistant Superintendent of Public Works, dated May 1, 2002, indicating that the proposed sewer system can be accommodated by the existing line in Riverview Road. Mr. Marron said the letter does not adequately address drainage issues. Mr. Escaladas said he addressed drainage in a letter to Mr. Mastromonaco; the Board will seek comment from Mr. Mastromonaco on this issue.

The Chairman reiterated his request for documentation permitting vehicular access to the property over Village land. The Applicant indicated that the property had not been staked, as previously requested. There was discussion of the plan and how the proposed structure related to adjoining properties. The Chairman requested that the Applicant determine the distance between the proposed structure and the structure on the property to the west, and examine the concept of moving the proposed structure east (towards the access road) to increase the western setback (even if this required a variance).

Mr. Escaladas said that the plans show which trees are to come down; a survey had been submitted; the height of the structure is to be 28 feet; information on the existing easement for the driveway configuration would be submitted; the elevation of the property is 478 feet where the driveway meets the access to the Village watertank; and the adjoining houses will be shown on a new version of the plans.

Mr. Peter Oley, the Village Historian, asked several questions of clarification regarding location of the structure, plans for blasting and other matters. The Chairman asked that the rear elevation be shown, and that the amount of cubic-yards of soil to be removed be determined.. This matter was continued.

**IPB Matters # 02-11 and 02-19:      Applications of Geraldine McGowan-Hall for  
Site Development Plan for Property at  
200 Mountain Road.**

Emilio Escaladas, Architect, represented the Applicant. This consists of two application, one in which the Applicant is proposing to renovate and expand an existing house, and the second in which they are proposing to install a drain in the existing driveway and close one of two driveway entrances.

There was an informal discussion of the information that the Board has previously indicated need to be submitted by the Applicant. The Chairman emphasized that the Board needs to have more information in order to determine a “baseline” for the property. This matter was carried over.

**IPB Matter # 01-26:**

**Application of Danfor Realty for  
Subdivision Approval for Property Adjoining  
Harriman Road.**

Paul Petretti, P.E., L.S., represented the Applicant. This matter is a continuing application for preliminary subdivision layout and limited site plan approval of a seven-lot subdivision (2 lots of which are already improved).

Mr. Petretti recounted his recent discussions with neighbors of the property regarding their concerns. He said he will design a temporary access road and examine the issue of access to the rear of the property as well. He also described his current plans pertaining to trees, access to individual lots, traffic flow and other matters.

The Chairman said that the next steps include creating an escrow account with the Village to cover costs of consultants and other expenses, to begin the scoping process under SEQRA, and consider the utilization of Tim Miller Associates in the Board's SEQRA determinations. Mr. Petretti indicated that he would provide an initial scoping outline.

The Board then considered the following administrative matters:

**In Lieu Fee Calculation – 2002** The Chairman noted that the Subdivision Regulations of the Village (Chapter 188 of the Village Code) require the In Lieu Fee which is payable pursuant to Section 188-20 of the Subdivision Regulations by a subdivider who is required to dedicate to the village less than a Proportionate Recreation Share in order to meet New Development Park Demand is to escalate every January 1 based on the change in the US Dept. of Labor, Consumer Price Index, Urban Wage Earners and Clerical Workers (CPI-W) U.S. City average, all items. Because the index is prepared on a monthly basis, rather than a daily basis, the Board determined that it would be appropriate to continue its past practice of using the index in December as a benchmark for the index as of January 1<sup>st</sup> of each year, rather than to use the January index, and to use the index unadjusted for seasonal variation.

The index in December 1988 was 355.0 (1967 = 100). The index in December 2001 was 515.0. The Board then calculated the In Lieu Fee applicable to the calendar year 2002 as follows:

$$\begin{array}{rcl} \text{CPI December 2001} & = & 515.0 \\ \text{CPI December 1988} & = & \frac{355.0}{160.0} \end{array}$$

$$160.0/355.0 = .45070 \text{ or } 45.070\% \text{ increase}$$

$$\$6,000 \times 45.070\% = \$2,704.20 + \$6,000 = \$8,704.20$$



On motion duly made, seconded, and unanimously carried, the Board decided to round the result of the calculation and determined the In Lieu Fee applicable to calendar year 2002 to be \$8,704.

The Board approved the minutes of its Regular Meetings held on February 6<sup>th</sup> and March 6<sup>th</sup>, and the Special Meetings held on March 19<sup>th</sup> and April 10<sup>th</sup>.

The next regular meeting of the Planning Board was scheduled for June 5, 2002.

The meeting was adjourned at 10:25pm

Respectfully submitted,

Walter Montgomery